REMARKS/ARGUMENTS

The claims are 2-9. Claim 1 has been canceled in favor of new claim 9 to better define the invention. Accordingly, claims 2-8, which previously depended on claim 1 have been amended to improve their form and to depend on claim 9. The specification has been amended to include headings and to remove reference to claims and the Abstract has been amended to improve its form. Reconsideration is expressly requested.

The Abstract of the Disclosure was objected to as failing to conform with U.S. practice and the specification was objected to as lacking headings and as referring to claims. In response, Applicant has amended the Abstract to improve its form and the specification to provide headings and to remove reference to claims as requested by the Examiner. It is respectfully submitted that the foregoing amendments overcome the objections of the Examiner to the specification and Abstract, and Applicant respectfully requests that the objections to the specification and Abstract be withdrawn.

Claim 1 was rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, in the Examiner's view, the recitation in claim 1 that "the flawless tubes (23) being received by the discharge belt (24) by means of rotatable suction prisms (32)" is not disclosed in the specification. Rather, the specification at page 7, lines 12-27 is said to teach that the rotatable prisms (32) are for removing the tubes from the discharge conveyor (24), but are not used in depositing the tubes onto the discharge belt (24) and that the finished tubes are deposited onto the discharge belt (24) by the rotatable holding device 32' in region 33 according to page 6, line 27 to page 7, line 24 of the specification. In the Examiner's view, the specification does not disclose that the rotatable holding device 32' comprises rotatable suction prisms (32).

In response, Applicant has canceled claim 1 in favor of new claim 9 to better define the invention. New claim 9 species that the plant includes a withdrawing device for removing the finish tubes from the mandrels, a delivery belt comprising first and

second toothed belts positioned parallel to each other having transport prisms with a transport prism spacing between transport prisms corresponding to the mandrel spacing of the mandrels on the turn table, the finished tubes being deposited on the delivery belt by the withdrawing device, a plurality of control regions having control devices for examining the finished tubes delivered by the delivery belt and for selecting flawless tubes and unusable tubes from the finished tubes, a collection device comprising a plurality of rotatable suction prisms for picking up the flawless tubes, and a tray for receiving flawless tubes continuously fed by the rotatable suction prisms. It is respectfully submitted that new claim 9 is fully supported by the specification, and Applicant respectfully request that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on pages 3-5 of the Office Action. In response, Applicant has canceled claim 1 in favor of new claim 9 and has amended claims 2-8 to improve their form. It is respectfully submitted that all

currently pending claims fully comply with 35 U.S.C. 112, second paragraph.

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Schmid et al U.S. Patent No. 4,123,312* in view of *Conner U.S. Patent No. 3,540,959* and *Holoubek et al. U.S. Patent No. 3,896,710* for the reasons set forth on pages 6-8 of the Office Action. Essentially the Examiner's position was that *Schmid et al* discloses the apparatus recited in the claims, except for features taught by the secondary references to *Conner* and *Holoubek et al.*

This rejection is respectfully traversed.

As set forth in new claim 9, Applicant's invention provides a plant for producing and packaging tubes, each tube including a tubular body including at least a plastic film and a shoulder portion joined at one end with a threaded neck and an attached closure cap. The plant includes a packaging station, a conveyor

belt for supplying tubes to the packaging station to package the tubes into larger units, at least one blade for cutting a two-ply or multi-ply film strip into individual webs, a welding device for welding the individual webs to form endless tubes, and a plurality of transverse cutters for cutting the endless tubes to a desired tube length to form tubular bodies.

The plant also includes a transfer device for gathering together a number of tubular bodies after being cut to the desired tube length to form a larger transfer group, a turn table including a number of mandrels with a mandrel spacing, the number of mandrels corresponding to the number of the tubular bodies, the tubular bodies in the transfer group being jointly transferred to the turn table by the transfer device, and a plurality of stations having assembling devices for attaching the shoulder portion of each tubular body with the threaded neck and the closure cap, the turn table conveying the tubular bodies jointly and gradually to the stations for forming finished tubes.

The plant also includes a withdrawing device for removing

the finished tubes from the mandrels, a delivery belt including first and second toothed belts positioned parallel to each other having transport prisms with a transport prism spacing between transport prisms corresponding to the mandrel spacing of the mandrels on the turn table, the finished tubes being deposited on the delivery belt by the withdrawing device, and a plurality of control regions having control devices for examining the finished tubes delivered by the delivery belt and for selecting flawless tubes and unusable tubes from the finished tubes. A collection device including a plurality of rotatable suction prisms picks up the flawless tubes, and a tray receives flawless tubes continuously fed by the rotatable suction prisms.

In this way, Applicant's invention provides a plant which permits, for example, the manufacture of at least 450-500 tubes/minute, having tube diameters e.g. of preferably 22-40 mm or larger or smaller and which permits the arrangement of this quantity of manufactured tubes in reusable, transportable packaging means -- even for filling -- without having to be repackaged. With Applicant's plant as recited in new claim 9, a

plurality of webs are processed so as to manufacture tube bodies in a parallel manner. Applicant's plant as recited in new claim 9 also includes a transfer device (14) for collecting a number of tubular bodies which form a larger transfer group. This transfer group is jointly transferred to the turn table by means of the transfer device. During this transfer, a second unit of the transfer device may continue collecting another set of tubular bodies which, again, is jointly transferred to the turn table after completion, which clearly speeds up the manufacturing process.

In addition, the turn table is turned group-wise from station A to B, etc. until station H, wherein all tubular bodies of a transfer group are turned to the next station in one step, which also significantly increases processing speed.

Although producing tubular bodies by means of a side seamer (welding device) is well-known in the art, it is respectfully submitted that none of the cited references discloses or suggests a plant having the structure recited in Applicant's new claim 9,

which permits obtaining processing rates of 500 and more units/minutes. Accordingly, it is respectfully submitted that new claim 9, together with claims 2-8 which depend thereon, contain patentable and unobvious subject matter.

In summary, claims 2-8 have been amended, claim 1 has been canceled and new claim 9 has been added. The specification and Abstract have also been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 22, 2008.

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